

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40545 of 2022

Arising Out of PS. Case No.-41 Year-2022 Thana- CHHATAPUR District- Supaul

Diwakar Kumar Das @ Diwakar Das @ Dibakar Das Son of Bedanand Das
Resident of village - Kamatkishunganj, Ward No.- 13, Nathi, Chuni, P.S.-
Chatapur Rajeshwari O.P., District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivek Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 24-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 324, 325, 307,
385, 379, 504 and 506/34 of the Indian Penal Code.

According to prosecution case, in brief, is that on the
basis of written report of the informant namely, Rampukar Das
alleging therein that on 20.01.2022, the informant was going to
open his shop near the house of Manjesh Das, in the meantime
accused-petitioner started abusing the informant and told why
he had not removed the drum of diesel and patrol in front of



your shop, which was opposed by the informant. Meanwhile three other co-accused persons and 4-5 unknown persons, being armed with various weapons came there and petitioner having iron rod in his hand assaulted on the head of informant with intent to kill him, due to which he sustained ruptured wound on the left side of his head, petitioner again assaulted the informant causing ruptured wound on his left elbow and fracture of his finger. It is further alleged that petitioner also snatched Rs.5,000/- from the informant and co-accused Manish Kumar Das continuously threatening him.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that there is admitted land dispute is going on between the parties and it appears from the F.I.R. that the date of occurrence taken place on 30.01.2022 but the present F.I.R. was instituted on 01.02.2022 after delay of two days without explanation of delay. He further submits that the allegation as alleged in the F.I.R. that the petitioner has assaulted with iron rod to the informant and he sustained two injuries viz (I) Lacerated wound 2"x1/2" muscle deep over the left parietal of scalp and (ii) Lacerated wound 1"x1/4" skin deep over the left elbow and the nature of injury has been found by



the doctor as grievous in nature. He further submits that there was no intention to kill the informant and the present occurrence took place due to not removal of drum of diesel and patrol on the front of the shop of the informant. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 22.02.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Chatapur Rajeshwari O.P. P.S. Case No. 41 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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